REMARKS/ARGUMENTS

Claims 1-25 and 27-31 are pending in the present application. Claims 1-25 and 27-31 were amended. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1-25 and 27-31 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. Claims 1-25 and 27-31 were amended as suggested by the Examiner, and are now believed to be clear and definite throughout and to fully satisfy the requirements of 35 U.S.C. § 112, second paragraph. Therefore, this rejection is respectfully traversed.

Therefore the rejection of claims 1-25 and 27-31 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1-25 and 27-31 under 35 U.S.C. § 102 as being anticipated by *Norris* (U.S. Patent No. 5,557,748). This rejection is respectfully traversed.

With regard to claim 1 being anticipated by *Norris*, the Examiner states that the "grounds for rejecting the claims under 35 U.S.C. 102(b), as presented in examiner's prior Office Action, continue and are hereby incorporated in this Office Action by reference." (*Office Action*, dated May 25, 2005, page 3.) With regard to claim 1 being anticipated by *Norris*, the Examiner states in the prior Office Action:

> Per claim 1, Norris taught a method (e.g., see figure 4 and col. 2 (lines 58-59)) determining a location (e.g., see Abstract and figure 4 (450) with col. 10 (lines 58-et seq.) and also col., 8 (lines 54-65)) of a portable data processing system (e.g., see last two words of col. 10 (line 66)), the method comprising:
>
> a) determining resources geographically proximate to the portable computer to generate a location syndrome (e.g., see Abstract, col.;

b) comparing the location syndrome (e.g., see col. 10 (line 58 "current participants list")) to a set of location profiles (e.g., "network participants list" and/or "existing participants list") per col. 5 (line 7-et seq.), col. 10 (line 58-et seq.), and col. 11 (line 6)); and,

c) responsive to sufficiently matching (e.g., see figure 4 (470)) the location syndrome to one of the set of location profiles, returning, to another software component (e.g., that software which configures the network parameters into the portable computer), a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system per col. 11 (line 11-et seq.)).

Office Action, dated February 14, 2005, page 3.

Independent claim 1, which is representative of independent claims 11 and 21 with regard to similarly recited subject matter, reads as follows:

1. A computer implemented method in a data processing system of determining a location of a portable data processing system, the computer implemented method comprising:

determining a set of resources geographically proximate to the portable data processing system to generate a location syndrome;

responsive to determining the set of resources geographically proximate to the portable data processing system to generate the location syndrome, comparing the location syndrome to a set of location profiles; and

responsive to sufficiently matching the location syndrome to one of the set of location profiles, returning, to a software component, a unique location identification label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system, wherein sufficiently matching the location syndrome to one of the set of location profiles comprises providing a set of scores ranging from a highest score to a lowest score, and assigning a score from the set of scores to a location profile in the set of location profiles, wherein the score assigned corresponds to a degree to which the location profile matches the location syndrome. (emphasis added)

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if each and every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir.1990). The *Norris* reference cited by the Examiner does not anticipate the present invention as recited in claim 1, because *Norris* fails to teach each and every element of the claim. The rejected independent claim 1 recites, "responsive to sufficiently matching the location syndrome to one of the set of location profiles, returning, to a

software component, a unique location identification label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system . . . and assigning a score from the set of scores to a location profile in the set of location profiles, wherein the score assigned corresponds to a degree to which the location profile matches the location syndrome." The features of sufficiently matching the location syndrome to one of the set of location profiles and assigning a score to a location profile, wherein the score assigned corresponds to a degree to which the location profile matches the location syndrome are not taught by *Norris*.

Norris' **Figure 4** is a flow diagram illustrating the high level method of dynamically configuring network parameters. In steps **410** to **440**, after the user preferences are read or entered, network traffic data is gathered, indexed and evaluated. Then the *Norris* method is prepared to make comparisons.

> As shown in block **450**, the current participants list is compared with the existing participants for previously observed locations. For example, the method compares the local server for the current segment with the address of local servers contained on existing participants lists. If a match occurs, then the user is prompted to verify that the location is correct as shown in step **470** and **475**. For example, if the current participants list contains the same local server as a location list for the branch office **1**, then the mobile computer device asks the user whether the user is plugged into the network at the branch office 1 location. If the user confirms the location, then the network parameters stored in the network parameters **120** area for the branch office **1** location are utilized to configure a protocol stack. However, if no matches are found between the current participants list and the existing participants lists, then the user is prompted to enter a new location as shown in step **480**. Although the user is require to enter a network parameters for the new location, certain network parameters may still be determined from the indexed network traffic data.

Norris, column 10, line 58, to column 11, line 10.

Norris teaches that the current participants list is compared with the existing participants list for previously observed locations. If a match occurs, then the user is prompted to verify that the location is correct. If the user confirms the location, then the network parameters stored in the network parameters are utilized to configure a protocol stack. However, if no matches are found between the current participants list and the existing participants list, then the user is prompted to enter a new location. *Norris* teaches that after comparisons are made, one of two possibilities exist: either a match

occurs, or no matches are found. If no matches are found, the user is prompted to enter a new location. *Norris* does not have provisions that deal with the possibility that an exact match does not occur despite the fact that the user is at a previously observed location. If the user is at a previously observed location, and all but one current participant is identical to the existing list for the previously observed location, *Norris* does not consider the current participants list to be a *sufficient* match.

In contrast, the present invention teaches *sufficiently* matching the location syndrome to one of the set of location profiles, instead of simply teaching matching the location syndrome to one of the set of location profiles, without the matching function qualified by the adverb *sufficiently*. Whereas unqualified matching is satisfied only by an exact match, such as the matching in *Norris*, the present invention teaches a qualified matching, *sufficiently* matching, because inexact matches may still constitute a *sufficient* match, *sufficient* to result in correctly returning a unique location identification label as the current location of the portable data processing system.

Due to the lack of the *sufficient* match feature, *Norris* does not recognize a previously observed location if the current participants list does not exactly match the existing participants list, instead prompting the user to enter a new location. Therefore, *Norris* does not teach *sufficiently* matching the location syndrome to one of the set of location profiles.

While the Examiner cites sections of *Norris'* specification to support allegations that *Norris* teaches other features in claim 1 of the present invention, the Examiner does not cite any sections of *Norris* to support the allegation that *Norris* teaches the feature of *sufficiently* matching the location syndrome to one of the set of location profiles because no such sections exist. The Examiner cites only a figure in *Norris* to support the allegation that *Norris* teaches the feature of *sufficiently* matching the location syndrome to one of the set of location profiles:

> c) responsive to sufficiently matching (e.g., see figure 4 (470)) the location syndrome to one of the set of location profiles, returning, to another software component (e.g., that software which configures the network parameters into the portable computer), a label corresponding to a matched one of the set of location profiles as a current location of the portable data processing system per col. 11 (line 11-et seq.)).

Office Action, dated February 14, 2005, page 3.

The figure in *Norris* that the Examiner refcrenced does not teach the feature of *sufficiently* matching the location syndrome to one of the set of location profiles:

| - 470

YES MATCH FOUND? NO

Norris, **Figure 4**, step 470.

In **Figure 4** above, *Norris* teaches that either a match is found or a match is not found. However, this dichotomous type of matching is not the same as the feature of *sufficiently* matching, a matching based on the degree of similarity. As already demonstrated above in the written description for *Norris*' **Figure 4**, duc to the lack of the *sufficient* match feature, *Norris* does not recognize a previously observed location if the current participants list does not exactly match the existing participants list.

In contrast to the *Norris* invention, the present invention, as recited in independent claims 1, 11, and 21, teaches the feature of *sufficiently* matching the location syndrome to one of the set of location profiles. An example from the present invention's specification makes obvious the distinctions between *Norris* and the present invention.

> It may be the case that the network resources available at a given location do not match any location profile exactly. For example, in **Figure 1**, server **103** may be down. Were this to be the case, given the location profiles of **Figure 4**, the score for the office location would be zero and that for the home location would also be zero. The location determination process would then query the user to disambiguate the current location, using the GUI of **Figure 8**. If on the other hand, server **103** were to be detected, but printer A to be down in the office, however, the office score would still be zero but the score for the home location would be minus two since neither the printer nor the scanner would be present. Given a threshold of zero, the location determination process would correctly identify the computer **100** to be in the office.
>
> The process can be generalized to give more weight to the presence of some resources and to the absence of others. This would be of use in environments where some resources are only occasionally present while others always are. The location profiles can also be generalized to contain two lists of resources per profile, one list listing those resources that are likely to be present and the other list listing those resources that are likely to be absent.

> Thus the present invention is capable of determining the location of a computer to a greater or lesser degree of confidence, moreover selecting the likely location of the computer from a list known in advance.

Specification, page 13, lines 3-21.

In the present invention's example illustrated above, an exact match is not required when comparing a location syndrome to a set of location profiles because a *sufficient* match will be enough to determine the location of the portable data processing system or computer. In order to achieve a *sufficient* match, the location determination process calculates scores based on a comparison of the resources present to the set of location profiles and compares these calculated scores to a threshold level to determine if any score is a *sufficient* match to identify the portable computer's location.

In contrast to the present invention, where the location determination process determines the location of a portable computer to a wide variety of differing degrees of confidence, in *Norris* the comparison either results in an exact match (100% confident) or no match (0% confident). Due to the lack of a *sufficient* match feature in *Norris*, the invention never determines a location that produces an inexact but highly similar match, a *sufficient* match, is the actual location of the portable computer. Also in *Norris*, the user is never queried to choose between potential locations as the actual location, for any inexact match would result in the user being queried to identify the current location as a new location. *Norris* does not teach *sufficiently* matching the location syndrome to one of the set of location profiles.

Additionally, the feature of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome is not taught or suggested by *Norris*.

The Examiner cites the following sections in *Norris* to support the allegation that *Norris* teaches or suggests the feature of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome:

> In addition to the participants criteria, the snooper module **140** utilizes the volume of traffic on the network **200** to determine the mobile computer device **100** location. For example, if the snooper module **140** observes a high volume of one to one transactions, then the server **210** to

> printer **220** transaction may be occurring. As discussed above, a high volume of a one to many transaction tends to indicate that the one participant is a server or a router. Therefore, for the network example of FIG. **3**, a high volume observation of both one to many and point to point transactions occurring on the network **200** tends to identify the server **210** or router **235**. Note that although a router may exhibit a high volume of one to one transactions, routers are identified based on observing one to many transactions.

Norris, column 8, line 35-et seq.

> For example, if the current participants list contains the same local server as a location list for the branch office 1, then the mobile computer device asks the user whether the user is plugged into the network at the branch office **1** location.

Norris, column 10, lines 64-67 to column 11, line 1.

The sections in *Norris* that the Examiner referenced do not teach or even suggest the feature of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. The section from column 8 in *Norris* simply teaches a method to determine if one of the participants is a server or a router in order to identify participants. The section from column 10 in *Norris* only teaches that once an exact match has been identified between a server and a location, the user is asked to confirm the location. Neither section cited in *Norris* teaches or suggests the feature of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome.

In contrast to the *Norris* invention, the present invention, as recited in independent claim 1, teaches the features of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. An example from the present invention's specification makes obvious the distinctions between *Norris* and the present invention:

> If there are at least i profiles, then an index variable k that selects among resources in the resource object list **304** is initialized to one and a score variable is initialized to zero (step **652**). A higher score variable indicates a better match between the resources found at a location and a specific resource profile. Next, a test is performed to determine if resource k is present in profile i (step **653**). If so, the score is incremented (step **655**) and if not, the score is decremented (step **654**). In either case, the resource index k is then incremented (step **656**) and a test made to determine if

> there are more (i.e. at least k) resources listed in profile i (step **658**). If there are more resources, then block **653** is entered, if not, then a test is made to determine whether the score is greater than a threshold score (step **659**). If the threshold **308** is exceeded by the current score, an entry is placed for profile i in the candidate locations list **307**.

Specification, page 11, lines 2-12.

In the present invention's example illustrated above, score variables are initialized, and then incremented or decremented based upon the presence or absence of resources. If a score variable is greater than a threshold score, the entry assigned to the score variable is placed in the candidate locations list. In contrast to the present invention, where score variables are calculated and compared to the threshold scores, in *Norris* neither scores, variables, incrementing, decrementing, nor thresholds are even mentioned once. Due to *Norris'* lack of the feature of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome, comparisons in *Norris* result in either an exact match or no match at all, not a score that indicates a degree of matching. *Norris* does not teach or even suggest the features of assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome. Therefore, *Norris* fails to anticipate the invention as recited in independent claim 1.

Furthermore, *Norris* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Absent the Examiner pointing out some teaching or incentive to implement *Norris sufficiently* matching the location syndrome to one of the set of location profiles and assigning a score to a location profile wherein the score corresponds to a degree to which the location profile matched the location syndrome, one of ordinary skill in the art would not be led to modify *Norris* to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify *Norris* in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the Applicants' disclosure as a template to make the necessary changes to reach the invention.

Therefore, *Norris* fails to teach all elements of the claimed invention, and thus fails to anticipate the invention as recited in independent claims 1, 11, and 21.

Therefore, Applicants respectfully request that the rejection of independent claims 1, 11, and 21 under 35 U.S.C. §102 be withdrawn.

Claims 2-10, 31, 12-20, 22-25, and 27-30 are dependent claims depending on independent claims 1, 11, and 21, respectively. Applicants have already demonstrated claims 1, 11, and 21 to be in condition for allowance. Applicants respectfully submit that claims 2-10, 31, 12-20, 22-25, and 27-30 are also allowable, at least by virtue of their dependency on allowable claims.

Thus, the rejection of claims 1-30 under 35 U.S.C. §102 has been overcome.

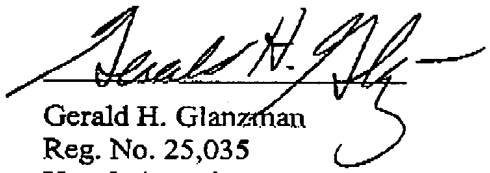
III. Conclusion

It is respectfully urged that the subject application is patentable over *Norris* and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 19, 2005

Respectfully submitted,



Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicant

GG/jl